

United States District Court

Southern District of Texas

Case Number: 05cv1847

ATTACHMENT

Description:

State Court Record State Court Record Continued

Administrative Record

Document continued - Part 7 of _____

Exhibit to: _____
number(s) / letter(s) _____

Other: _____

1 CHARGE OF THE COURT ON GUILT OR INNOCENCE

2 FILED: APRIL 14, 1994

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mere preparation that tends, but fails, to effect the commission of the offense intended.

"Theft" is the unlawful appropriation of property with intent to deprive the owner of said property.

"Appropriate" and "appropriation" means to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner's effective consent.

"Property" means tangible or intangible personal property, or a document, including money, that represents or embodies anything of value.

"Deprive" means to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner.

"Effective consent" means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by force, threats, deception or coercion.

"Owner" means a person who has a greater right to possession of the property than the defendant.

"Possession" means actual care, custody, control, or management of the property.

"Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

A person acts intentionally, or with intent, with respect to a result of his conduct when it is his conscious objective or desire to cause the result.

from the evidence beyond a reasonable doubt that on the occasion in question the defendant intentionally or knowingly caused the death of Chirrisa Bogany and Cynthia Bogany by shooting Chirrisa Bogany and Cynthia Bogany with a deadly weapon, namely, a firearm, and the defendant committed the murders pursuant to the same scheme and course of conduct you cannot convict the defendant of the offense of capital murder.

Now, if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, on or about the 4th day of January, 1993, the defendant, Gerald Cornelius Eldridge, did then and there unlawfully while in the course of committing or attempting to commit the burglary of a habitation, owned by Cynthia Bogany, intentionally cause the death of Chirrisa Bogany by shooting Chirrisa Bogany with a deadly weapon, namely, a firearm; or if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, on or about the 4th day of January, 1993, the defendant, Gerald Cornelius Eldridge, did then and there unlawfully intentionally or knowingly cause the death of Chirrisa Bogany by shooting Chirrisa Bogany with a deadly weapon, namely a firearm and during the same criminal transaction the defendant did then and there unlawfully, intentionally or knowingly cause the death of Cynthia Bogany by shooting Cynthia Bogany with a deadly weapon, namely a firearm; or if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, on or about the 4th day of January, 1993, the defendant, Gerald Cornelius Eldridge, did then and there unlawfully intentionally or knowingly cause the death of Cynthia Bogany and Chirrisa Bogany by shooting Cynthia Bogany, and Chirrisa Bogany, with a deadly weapon, namely a firearm and the defendant committed the murders pursuant to the same scheme and course of conduct, then you will find the defendant guilty of capital murder as charged in the indictment.

A Grand Jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the question of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that he has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his trial. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in the case.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

A "reasonable doubt" is a doubt based on reason and common sense after a careful and impartial consideration of all the evidence in the case. It is the kind of doubt that would make a reasonable person hesitate to act in the most important of his own affairs.

Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit him and say by your verdict "Not Guilty."

CAUSE NO. 9403201

THE STATE OF TEXAS § IN THE 178TH DISTRICT COURT
VS... § OF HARRIS COUNTY, TEXAS
GERALD CORENLIUS ELDRIDGE § FEBRUARY TERM, A. D., 1994

VERDICT

"We, the Jury, find the defendant, Gerald Cornelius Eldridge, guilty of capital murder, as charged in the indictment."

FILED
KATHERINE TYRA
District Clerk
APR 14 1994
2:50 PM
Time: 2:50 PM
Harris County, Texas
By Deputy

Robert E. Johnson

Foreman of the Jury

ROBERT E. JOHNSON

(Please Print) Foreman

"We, the Jury, find the defendant, Gerald Cornelius Eldridge, not guilty."

Foreman of the Jury

(Please Print) Foreman

THE STATE OF TEXAS § IN THE 178TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
GERALD CORNELIUS ELDRIDGE § FEBRUARY TERM, A. D., 1994

Members of the Jury:

By your verdict returned in this case you have found the Defendant, Gerald Cornelius Eldridge, guilty of the offense of capital murder, which was alleged to have been committed on or about the 4th day of January, 1993, in Harris County, Texas. In order for the Court to assess the proper punishment, it is necessary now for you to determine, from all the evidence in the case, the answers to certain questions, called "Special Issues," in this charge. The Court instructs you in answering these "Special Issues" as follows:

The mandatory punishment for the offense of capital murder of which you have found the Defendant guilty is death or confinement in the Texas Department of Criminal Justice, Institution Division, for life.

The State must prove Special Issue No. 1 submitted to you beyond a reasonable doubt, and you shall return a Special Verdict of "YES" or "NO" on Special Issue No. 1.

In deliberating on Special Issue No. 1 you shall consider all the evidence admitted at the guilt or innocence stage and the punishment stage of trial, including evidence of the Defendant's background, character, and the circumstances of the offense..

You may not answer Special Issue No. 1 "YES" unless you unanimously find beyond a reasonable doubt that the answer is yes.

You may not answer Special Issue No. 1 "NO" unless ten (10) or more jurors agree that the answer is no, or do not believe beyond a reasonable doubt that the answer is "Yes".

Members of the jury need not agree on what particular evidence supports a negative answer to Special Issue No. 1.

You are further instructed that you are not to be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public

mitigating evidence that a life sentence, as reflected by an affirmative finding to Special Issue No. 2, rather than a death sentence, is an appropriate response to the personal culpability of the defendant, an affirmative finding should be given to Special Issue No. 2.

You are again instructed that you are not to be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling in considering all of the evidence before you in answering Special Issue No. 2.

During your deliberations, you are not to consider or discuss any possible action of the Board of Pardons and Paroles Division of the Texas Department of Criminal Justice or of the Governor.

During your deliberations upon the "Special Issues," you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

In arriving at the answers to the "Special Issues" submitted, it will not be proper for you to fix the same by lot, chance, or any other method than by a full, fair and free exchange of the opinion of each individual juror.

You are further instructed that if there is any evidence before you in this case regarding the Defendant having committed offenses other than the offense alleged against him in the indictment, you cannot consider this evidence for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other offenses, if any were committed, and even then you may only consider the same in determining the answers to the "Special Issues."

You are instructed that the Defendant may testify in his own behalf if he chooses to do so, but if he elects not to do so, that fact cannot be taken by you as a circumstance against him nor prejudice him in any way. The Defendant has elected not to testify in this punishment phase of trial, and you are instructed that you cannot and must not refer to or allude to that fact

You are the exclusive judges of the facts proved and the credibility of the witnesses and the weight to be given to their testimony, but you are bound to receive the law from the Court which has been given you and you are bound thereby.

F I L E D

KATHERINE TYRA
District Clerk

APR 18 1994

Time: 1:50 PM
Harris County, Texas
By Deputy

William Harmon

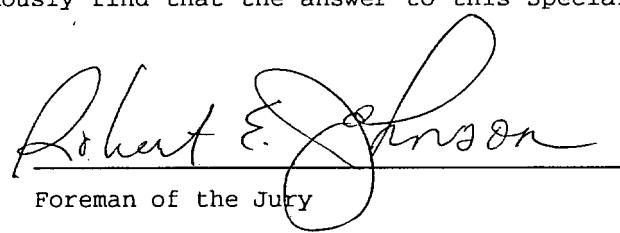
William T. Harmon, Judge
178th District Court
Harris County, TEXAS

SPECIAL ISSUE NO. 2

Do you find from the evidence, taking into consideration all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant, Gerald Cornelius Eldridge, that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

ANSWER

We, the jury, unanimously find that the answer to this Special Issue is "NO."



Robert E. Johnson

Foreman of the Jury

OR

We, the jury, because at least ten (10) jurors find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed, find that the answer to this Special Issue is "YES."

Foreman of the Jury

After the jury has answered each of the Special Issues under the conditions and instructions outlined above, the Foreman should sign the verdict form to be found on the last page of this charge.

118th
MINUTES OF THE DISTRICT COURT OF HARRIS COUNTY, TEXAS
AT THE February TERM, A.D. 1994

JUDGMENT

NO. 9403201

THE STATE OF TEXAS

vs.

Herold Cornelius Eldridge Date April 14 1994
Attorney for State : Asst. Dist. Atty. Elsa Alceas/Don Smith
Attorney for Defendant : Denise Crawford/Wayne Blue
Offense: Capital Murder

Date of Offense: January 4, A.D. 1993

Plea: Not Guilty

Plea to Enhancement

Findings on Enhancement: NA

Punishment: Death

RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of signing

The Defendant having been indicted in the above entitled and numbered cause for the felony offense indicated above and this cause being this day called for trial, the State appeared by her District Attorney as named above and the Defendant named above appeared in person with Counsel as named above, and both parties announced ready for trial.

A Jury composed of 12 and eleven others was selected, impanelled, and sworn. The indictment was read to the Jury and the Defendant, entered a plea of not guilty thereto, after having heard the evidence submitted; and having been charged by the Court as to their duty to determine the guilt or innocence of the Defendant, and the argument of Court as to their duty to determine the guilt or innocence of the Defendant, and the argument of counsel, the Jury retired in charge of the proper officer and returned into open Court on April 14, 1994, the following verdict, which was received by the Court and is here entered on record upon the minutes:

"We, the Jury, find the defendant, Herold Cornelius Eldridge, guilty of Capital Murder, as charged in the indictment

Thereupon, the Jury, in accordance with law, heard further evidence in consideration of punishment, and having been again charged by the Court, the Jury retired in charge of the proper officer in consideration of punishment and returned into open Court on the 18th day of April, 1994, the following verdict, which was received by the Court and is here entered of record upon the minutes:

"Special Issue No. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant, Herold Cornelius Eldridge, would commit criminal acts of violence that would constitute a continuing threat to society?

Do the Jury, unanimously, answer
that the answer to this Special Issue is "Yes."

for 000228
CM-95 03-08-93

1st Robert E. Johnson
Foreman of the Jury

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2 RECORDED: VOLUME 1204 PSGE 767 COMBINED MINUTES OF THE
3 DISTRICT COURTS OF HARRIS COUNTY, TEXAS.
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PAPER'S OATH ON APPEAL

CAUSE NO.: 9403201OFFENSE: Capital Murder

THE STATE OF TEXAS SPN. No. D0651025

VS.

Eldridge, Gerald C.

178 DISTRICT COURT

OF

HARRIS COUNTY, TEXAS

13/RK, 978, 977

VM

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Gerald C. Eldridge

Defendant in the above styled and numbered cause, and respectfully petitions the Court to appoint counsel to represent him in said cause and would show to the Court that he is too poor to employ counsel, on appeal.

Defendant further states under oath that defendant is without funds, property or income; that because of his poverty he is unable to pay for a transcript of the evidence which is necessary to be filed with the court of Criminal Appeals of the State of Texas;

WHEREFORE, he prays that the Court appoint counsel to represent him on appeal and that the Court direct the Court Reporter to prepare a statement of facts, as provided by law, in question and answer form, for use on appeal.

FILED

KATHERINE TYRA

SUBSCRIBED AND SWEORN before me, this

DEFENDANT'S SIGNATURE WAIVED

DEFENDANT

19 APRIL

APR 19 1994

Time: 2:30 PM

Harris County, Texas

By R. Khaley Deputy

DEPUTY DISTRICT CLERK

DISTRICT COURT

HARRIS COUNTY, TEXAS

ORDER APPOINTING COUNSEL ON APPEAL

On this the 19 day of April, A.D., 1994, it appearing to the Court that the above named defendant has executed an affidavit stating that he is without counsel and is too poor to employ counsel, it is ordered that the attorney listed below is appointed to represent the above named defendant in said cause, on appeal.Henry K. Onken

ATTORNEY

16810 FM 1960 West, Suite 100

ADDRESS

Houston Tx 77069

CITY

STATE

ZIP

893-4747

PHONE

152 80000

Bar Number

RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming.

ORDER TO PREPARE STATEMENT OF FACTS ON APPEAL

This the 19 day of April, A.D., 1994, after hearing testimony on the above affidavit and it appearing that the defendant is entitled to the relief prayed for, it is ORDERED that the Court Reporter of this Court prepare a statement of facts in question and answer form of the testimony in said cause. It is further ORDERED that the clerk of this Court mail a copy of the Order to the Court Reporter: TOA GALLA, by certified mail return receipt requested.

William Hennic
 JUDGE PRESIDING
 178 DISTRICT COURT
 HARRIS COUNTY, TEXAS

2/2/99
 000282

DISTRICT CLERK

11204 P0750

THE DEFENDANT, Elbridge APPEARED
IN PERSON WITH COUNSEL Denise Conway AND Wynne Hill

Elie Alcalai Don Smyth APPEARED FOR THE STATE

COURT REPORTER: Elie Yannicie

JUDGE PRESIDING: W.T. Brown

Court came to order at 11:00 AM. The Jury was sworn.

Witnesses were sworn. Testimony began. Court recessed for lunch at 12:30 PM. Court resumed at 1:45 PM at which time testimony continued. State rested for the day, at 5:42 PM. Jury excused until 9:30 AM.

INR. 4- 1884

THE DEFENDANT, Elbridge APPEARED
IN PERSON WITH COUNSEL Denise Conway AND Wynne Hill

Elie Alcalai Don Smyth APPEARED FOR THE STATE

COURT REPORTER: Elie Yannicie

JUDGE PRESIDING: W.T. Brown

Court came to order at 10:30 AM. A motion for mistrial was made outside the presence of the Jury. Testimony from Yannicie for motion for mistrial was heard. Motion for mistrial is denied. Court recessed for lunch at 12:30 PM. Court resumed at 3:30 PM at which time testimony continued. Court resumed for the day at 6:00 PM.

GENERAL ORDERS OF THE COURT

MAR. 3 1984

THE DEFENDANT, Elbridge APPEARED
IN PERSON WITH COUNSEL Denise Conway AND Wynne Hill

Elie Alcalai Don Smyth APPEARED FOR THE STATE

COURT REPORTER: Elie Yannicie

JUDGE PRESIDING: W.T. Brown

Court came to order at 10:45 AM at which time testimony began and

continued at 1:30 PM. Jury

was retired. Outside

the presence of the Jury the defense moved for an

instruction neglect of witness attorney.

to which the Court for

response to defense motion

the State stated that

she did allow to re-open

for identification purposes.

Defense motion denied.

Court recessed for lunch at 12:30 PM.

Court resumed at 2:05 PM

308 D PAGE 2

time. Nurse #36, Minnie Webster Cunningham and Dr. Purnell, full time, excused by Defense Challenge for Cause. Nurse #39, William Alexander Mayes, ~~out of~~ the first panel, but testifying. Nurse #32, Debbie Bennett Adams from the first panel was excused by Agreement & released from further service. Nurse #43, Mary Carter Hargrave, was excused ~~from~~ ^{due to physical limitation} due to the cold, not excused or excused understand the English language. At 4:30 pm, 30 prospective jurors were brought in and asked to return on various dates later in the week. At 4:40 pm, Nurse #30, Cromie, was excused by ~~State Challenge for Cause~~ ^{State Challenge for Cause}. At 4:50 pm, Nurse #33, Kennedy, was excused by State Challenge for Cause. At 4:55 pm, Nurse #44, Johnson, was excused by State Challenge for Cause.

MAR. 8 1964
THE DEFENDANT, Walter J. Muller APPEARED
IN PERSON WITH COUNSEL, James W. Cole
C. Wm. J. Smith APPEARED FOR THE STATE.
COURT REPORTER: John W. Morrison
JUDGE PRESIDING: John W. Morrison

But came to order at 10:00 am. The defense made a motion to quash the jury panel. Court denied motion. Juror #1 - Robert Allen Carpenter was selected for venire service. Both sides agreed to accept this juror. Court recessed for lunch at 12:00 pm.

THE DEFENDANT, John D. Gandy APPEARED
IN PERSON WITH COUNSEL John D. Gandy APPEARED
COURT REPORTER: John D. Gandy APPEARED FOR THE STATE

JUDGE PRESIDING: W. Harmon
JUDGE PRESIDING: W. Harmon

But chose to order at 10:00 AM. Jury #12 -

Jury #12 - Jury #12 was called for voir dire.

Jury #12 agreed to release this Jury #19.

Jury #19 was also excused by agreement. At 10:10 AM

Jury #19 - Clarence Joseph Tichner was called for voir dire. Jury #19 agreed to release this Jury #19.

Jury #19 was excused for lunch. At 1:30 PM Court Reward

at which time Jury #16 - Mariah Glarie Maybome

was called for voir dire. Jury #16 agreed to

excuse this Jury #16. Jury #16 agreed to release this Jury #16.

Jury #16 was excused for lunch. At 2:45 PM

Jury #17 - Patrick M. Kennedy was called for voir dire. Jury #17 made a motion to strike for

Jury #18. Jury #18 did not object. But Charles L. Johnson

Jury #18 also agreed to release Jury #18 & Jury #19.

Jury #19 agreed to release Jury #19. Jury #19 was called for voir dire.

GENERAL ORDERS OF THE COURT

MAR 14 1984

In March at 12:00 pm. Court recessed at 2:05 pm at which time jurors # 45-49 were impaneled. Barron was called for voir dire. The defense advised the court. Charge # 47, 48 & 50 were advised of their assignment.

THE DEFENDANT, John W. Gandy APPEARED

PERSON WITH COUNSEL John W. Gandy APPEARED FOR THE STATE

COURT REPORTER: Tom Price

JUDGE PRESIDING: W. J. Bassett

At 1:00 PM all jurors were summoned and impaneled at 12:00. At 12:00 the court began their voir dire. Due to outburst by the defendant from which were agreed had requested that the court adjourn. The court granted their request. The defendant went outside. The defendant then returned at 1:45 pm. and impaneled at 1:45 pm. At new panel. The new panel was summoned and convened at 3:45 pm. At 3:45 pm the court began their voir dire. The court recessed and recessed at 5:15 pm. At 5:15 pm the court

argument of all parties ended. At 9:17 PM all were released.

MAR 15 1984

As Defendant John W. Gandy has

Appealed to the State

Court Reporter: Tom Price

Judge Presiding: W. J. Bassett

At 10:12 AM the court convened at 10:12. At 10:12 AM the defense moved an injunction to the court to prevent any witness from being present during their voir dire. Court granted this motion. Defendant was asked to remain outside. Defendant was asked whether he'd like to remain in court during their selection. Defendant refused to respond. Court made findings on the record and recessed. Defendant the temporary court was

March 16, 1994

288 862 00330

prospective juror # 113, David E. Powell. At 3:30 pm juror # 113 was excused by agreement. Court recessed for the day.

At 10:40 AM the Court returned to order. At 10:40 AM the Court began

trial with prospective juror #

MAR 17 1994

THE DEFENDANT, did not appear APPEARED

IN PERSON WITH COUNSEL CRAWFORD &

APPEARED FOR THE STATE.

COURT REPORTER: Clerk Gascia

JUDGE PRESIDING: Judge

juror # 104, Barbara Perkins. At 1:30 PM the court recessed to order. Roir dire began with court recessed for lunch. At 1:30 PM prospective juror # 118, Mr. Lishman.

juror # 108 At 2:30 defense excused juror # 108 by agreement of both parties

At 2:30 PM juror # 110 was excused by agreement. At 2:30 PM, Roir dire began

with prospective juror # 119, John Price with prospective juror # 112. At

Cleveland C. Lakat. At 10:45 AM

3:00 PM juror # 112 was excused. At 3:00 PM juror # 119 was excused by

juror # 114 was excused by agreement. At 3:02 PM agreement. At 10:45 AM

After the court began Roir dire with

work due began with prospective

assessment.

3308 D 68.2

work # 153. Owner # 171 was

excused by agreement at the time when

At 7:45 when junc # 153 was excused

and 170 was issued my agreement

by agreement. At 2:45 pm the work

one began with prospective junc # 157.

MAR 31 1994

At 2:50 the man was excused.

By agreement. At 2:50 pm work did

begin & with prospective junc # 159.

At 4:52 pm by agreement

of Mr. McMenamin from 167 this

work was excused my agreement. At 1:30 pm

work # 159. Owner granted this

work # 159. At 1:30 pm this work was

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At 3:50pm Van Dyke Michigan prospective form #55. At 1:50pm this form was reviewed. At 1:58pm Van Dyke Michigan with prospective form #56. At 2:15pm this form was reviewed. At 2:15pm Van Dyke Michigan with prospective form #57. At 2:15pm this form was reviewed. At 2:15pm Van Dyke Michigan with prospective form #58. At 2:15pm this form was reviewed. At 2:15pm Van Dyke Michigan with prospective form #59. At 2:15pm this form was reviewed. At 2:15pm Van Dyke Michigan with prospective form #60. At 2:15pm this form was reviewed. At 2:15pm Van Dyke Michigan with prospective form #61. At 2:15pm this form was reviewed. At 2:15pm Van Dyke Michigan with prospective form #62. At 2:15pm this form was reviewed. At 2:15pm Van Dyke Michigan with prospective form #63.

APR - 6 1984

At 10:15am Van Dyke Michigan prospective form #55. At 1:45pm this form was reviewed. At 1:45pm Van Dyke Michigan with prospective form #56. At 1:45pm this form was reviewed. At 1:45pm Van Dyke Michigan with prospective form #57. At 1:45pm this form was reviewed. At 1:45pm Van Dyke Michigan with prospective form #58. At 1:45pm this form was reviewed. At 1:45pm Van Dyke Michigan with prospective form #59. At 1:45pm this form was reviewed. At 1:45pm Van Dyke Michigan with prospective form #60. At 1:45pm this form was reviewed. At 1:45pm Van Dyke Michigan with prospective form #61. At 1:45pm this form was reviewed. At 1:45pm Van Dyke Michigan with prospective form #62.

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At 3:05 PM. Mr. & the Delegates with
the Mississ. Delegation, Mr. H. C. At 4:10 pm At 10:54 pm the Count began
the issue was accepted. They were
given issue no. issue #10. 2:10 pm. Issues 5, 7, 8 & 9 were
by agreement of both Delegations. Surrendered by agreement. Issue #11
Issues #8 & 9 were surrendered
~~Issue #10~~
Issue #10 was surrendered.

4:30 pm Visit Mr. Wm. H. Smith with
his replacement from #1. (John Wm. Smith
from #1, 91, 93, 94, 95, 98, +
99. Wm. H. Smith. At 10:30 pm
the new Smith left

GENERAL ORDERS OF THE COURT

Mr. McPherson, lawyer # 85 and counsel to me in my agreement. I am # 3 of my agreement. At 10:30 AM. He is to forward his agreement. At 2:45 PM he will be my agreement (law). The other telephone with prospective client # 83, 84, 95, 98 and 99. On 11/4. At 3:40 PM the telephone at 11:30 AM. Will also forward. I think this news. (At 3:40 PM) I will, prospective client # 88. Then this phone with prospective client # 10:45 AM this afternoon. Mack Sennett. We up in this town with the by the 8th 15. (Phone 92, 94100) I received my the defense.

Challenger granted my the leave. At 10:30 AM Van Buren began
At 2:15 PM Van Buren began
With prospective power #18. At 3:30 PM this Court was informed
of my agreement. At 2:30 PM
Van Buren with prospective
power began. At 4:50 PM
the Court was interrupted by
Broth. Parker as power #12. At
5:12 PM Van Buren with prospective
power #22. By this Challenger granted
leave for leave. Challenger granted
power #14, #15 & #16 to close the
agreement. From #28 it would begin
agreement on 4-7-44
April 11, 1944. -

With prospective power #10. This
power was informed my agreement.
With prospective power #31. This
power began the Court was informed
of my agreement. At 10:34 AM Van Buren began
With prospective power #31. This
power began the Court was informed
of my agreement. At 2:05 PM the Court was informed
of my agreement. At 2:08 PM, Challenger
granted power #14, #15 & #16 to close the
agreement. From #28 it would begin
agreement to which the
agreement would be a
agreement with the
agreement.

At 10:10 AM the Court returned to order and Attorney Newland. Client recessed for lunch at 12:45 PM.

At 2:05 PM the Court returned At 3:00 PM the Court recessed. Client recessed

At 3:45 PM the Court returned At 4:00 PM the Court recessed. Client recessed for the day.

APR. 13 1964

At 10:13 AM the Court returned to order and Attorney Newland. Plaintiff filed motion for instruction directed to which the Court denied in its entirety. Plaintiff returned to his attorney listing his case. Court recessed on the record. Defense filed objection to the Court's charge. Court ruled as requested in the Court's report to the parties. At 11:16 AM the Court returned into open Court. At 11:16 AM the defense rested. At 11:19 AM the Court adjourned on cause.

GUILTY. Jury was advised. At 4:33pm
the Jury returned into open Court
for the punishment phase of trial.
The defendant elected not to be
present for this phase of the

trial. Defense lawyer and
Judge recessed. At 4:34pm the

State began testimony. At 6:15pm
the Court recessed for the
day.

Judge recessed. At 4:34pm the
State began testimony. At 6:15pm
the Court recessed for the
day.

APR 18 1984

At 11:30AM the Court returned
to order and testimony
resumed. At 1:53PM the State
of INDIANAPOLIS JURY was
notified. Defense attorney
of the Jury the defense
spoke for her instructed
her right to return the jury
null. At 1:59PM the
Court returned to trial
and the jury deliberated
until open Court. At 2:05PM
the Court returned to order and
the attorney resumed. At 2:30PM the

Same as to be heard arguments by the defense.

033080 D PAGE 2

In view of great punishment. Defendant sentenced to life imprisonment. Death

An opening statement and

APR 19 1986

THE DEFENDANT FILED A WRITER OF MOTION
THE COURT APPOINTED ATTORNEY
AS COUNSEL FOR THE DEFENDANT

on called at 7:10 pm. At 7:10 pm

The defense attorney defendant and
united at 7:37 pm. At 7:38 pm

the State of Idaho (John

Collins) arguments and
united at 8:08 pm. At 8:08 pm

The defense was called to

defend to the same as
argument. At 9:40

The attorney turned into open
court with punishment

defendant and this appeal

Issue # 1 the appeal issue
2 - known no. Any issue

Appeal at the request of
defendant at the request of

1 CERTIFICATE

2 OF THE

3 CLERK

THE STATE OF TEXAS

X

IN THE 178TH DISTRICT COURT

COUNTY OF HARRIS

X

OF HARRIS COUNTY, TEXAS

I, KATHERINE TYRA, Clerk of the Court of Harris County, Texas, do hereby certify that the above and foregoing proceedings, instruments and other papers contained in Volume

I 1 Pages 1 - 260 inclusive, to which this certification is attached and made a part thereof, are true and correct copies of all proceedings, instruments and other papers specified by Rule 51(a) and matters designated by the parties pursuant to Rule 51(b) in Cause No. 9403201, styled The State of Texas vs. GERALD CORNELIUS ELDRIDGE in said Court.

GIVEN UNDER MY HAND AND SEAL of said Court, at Office in Harris County, Texas, this 14 day of June, 1994.

17 KATHERINE TYRA

18 District Clerk

19 Harris County, Texas

20 By: D. Norwood
21 Deputy

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